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# MANDATE

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SDNY / NYNY  
08-cv-1335  
Swain

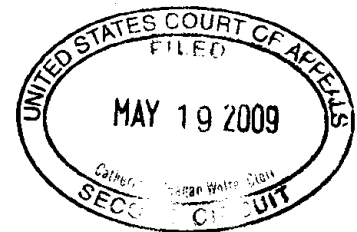
S.D.N.Y.-N.Y.C.  
08-cv-1335  
Swain, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 19<sup>th</sup> day of May, two thousand nine,

Present:

Hon. Roger J. Miner,  
Hon. Robert A. Katzmann,  
Hon. Reena Raggi,  
*Circuit Judges.*



Tom Ognibene, *et al.*,

*Plaintiffs-Petitioners,*

v.

09-1432-mv

09-0994-cv

Joseph P. Parkes, S.J., *et al.*,

~~09-1424-cv~~

*Defendants-Respondents,*

Citizens Union, *et al.*,

*Amici Curiae.*

The proceedings docketed under 09-1432-mv and 09-0994-cv are hereby consolidated. The proceeding docketed under 09-1424-cv is hereby dismissed, since it is duplicative of the remaining two proceedings.

Petitioners, through counsel, move, pursuant to 28 U.S.C. § 1292(b), for leave to take an interlocutory appeal of an order of the district court. Upon due consideration, it is hereby ORDERED that the petition is GRANTED. The Clerk's Office shall issue an expedited scheduling order.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by 

DEPUTY CLERK

SAO-SEJL

CERTIFIED: JUN - 9 2009